

REMARKS

1 In view of the following remarks, Applicant respectfully requests
2 reconsideration and allowance of the subject application. This amendment is
3 believed to be fully responsive to all issues raised in the 07/02/2003 Office Action.
4

5 In the Claims:

6 Claims 1—19 were originally filed.
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8 No claims are canceled.
9

10 No are added.
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12 Claims 1 and 7 were amended without prejudice.
13

14 Accordingly, claims 1—19 are pending.
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16 Double Patenting Rejections

17 Claims 1—10 were provisionally rejected under the judicially created
18 doctrine of obviousness-type double patenting over claims of U.S. Patent
19 Application No. 09/304,035. Applicant includes a terminal disclaimer in compliance
20 with 37 CFR 1.321(c) to overcome the non-statutory double patenting rejection.
21

22 Section 102 Rejection of the Claims

23 Claims 1 and 7 were rejected under §102(e) as being anticipated by
24 Mooney et al (U.S. Patent No. 6,351,813), herein after “Mooney”. The Applicant
25 respectfully traverses the rejection.

26 One exemplary implementation of the Applicant’s disclosure concerns a
27 portable profile carrier that stores and securely transports a user’s profile and data
28 files from one computer to the next. The exemplary implementation of the profile
29 carrier may include a two-component system including a smart card and a memory
30 device. The smart card protects access to the memory device and authenticates a
31 user via a passcode challenge. The composite profile carrier enables access to the
32 user profile on the memory device when the smart card is present and the user is
33

1 authenticated, and disables access when the smart card is absent or the user is not
2 authenticated.

3 Claims 1 and 7, as amended, recite a system comprising “a computer” and a
4 “profile carrier”. Claim 1 further recites that the profile carrier is “removably
5 connectable to the computer,” while claim 7 recites that the profile carrier is
6 adapted to use an interface on the computer. Claims 1 and 7 further recites that
7 the profile carrier comprises a memory device and a smart card. Claim 1
8 additionally recites that the user data on the memory device is accessible when
9 both the memory device and smart card are interfaced. Similarly, claim 7 recites
10 that the smart card alternately enables access to the user data when present and
11 disables access to the user data when absent.

12 The recited assembly is not seen by the Mooney reference. For example,
13 Mooney does not show a profile carrier, attachable to a computer which includes
14 both the smart card and the memory device. The Office Action points out that the
15 computer seen in Mooney inherently has a disk drive. However, this is a memory
16 device in the computer, and is not a memory device in a profile carrier. While the
17 Applicant’s specification is not part of the claims, Figs. 2 and 3 illustrate the
18 concept of a system wherein a computer interfaces with a profile carrier having a
19 smart card and a memory device. Such a compound system (i.e. computer and
20 profile carrier having memory and smart card) is clearly not disclosed by Mooney.
21 Mooney discloses a more simple system, wherein a computer is configured with a
22 smart card reader, which is adapted to read a smart card.

23 As seen above, claims 1 and 7 have been amended to clarify the two-
24 component nature of the profile carrier, having a memory device and a smart card.

1 The profile carrier is not seen in Mooney, which discloses the use of a simple
2 smart card reader, which attaches to the computer.

3 For the reasons cited above, Mooney fails to disclose the elements recited
4 in claims 1 and 7. Therefore, the Applicant respectfully requests that the §102
5 rejection be withdrawn.

6 Claims 2, 11, 15 and 16 were rejected under §103(a) as being unpatentable
7 over Mooney et al (U.S. Patent No. 6,351,813), herein after “Mooney” in view of
8 Hayes (20010011341), herein after “Hayes”. The Applicant respectfully traverses
the rejection.

9 Claim 2 depends from claim 1, and is allowable by virtue of that
10 dependence. Additionally, claim 2 recites that the memory contains a user’s
11 profile suitable for configuring a computer. The Office Action cites the Hayes
12 reference as an example of a user’s profile contained in memory. However, as
13 seen above, neither Hayes nor Mooney discloses the memory within a profile
14 carrier which is removably connectable to a computer. Moreover, neither Hayes
15 nor Mooney discloses such a memory, defined on the profile carrier, for use in
16 containing a user profile. As seen in Hayes, the user profiles are saved and
17 contained in a fixed location in the server, and are not saved and contained on a
18 profile carrier which is removably connectable to a computer. In view of the
above, the Applicant respectfully requests that the §103(a) rejections be
withdrawn.

19 Claim 11 recites “a computer having a memory drive” and “a card reader”.
20 The claim also recites a portable profile carrier which ports “a user’s profile for
21 configuration of the computer”. The portable profile carrier is configured to an IC
22 card and a “memory device”, wherein the memory device is interfaced to the
23 computer via the memory drive.

24 The Office Action suggests the Mooney includes a memory drive.
25 However, within the context of the claim, the “memory drive” of Mooney is

1 actually a disk drive (see col. 3, lines 48—52). The “memory drive” recited in the
2 Applicant’s claims is actually configured to interface the memory device portion
3 of the profile carrier with the computer. Thus, the Applicant recites a compound
4 structure, comprising the “computer,” the “portable profile carrier.” The portable
5 profile carrier is additionally a compound structure, including a “memory device”
6 and an “IC card.” And still further, claim 11 recites that the memory device of the
7 portable profile carrier and the computer are interfaced by a “memory drive.”
8 Thus, by interfacing the portable profile carrier to the computer, the user may port
9 the user’s configurations to the computer.

10 Examination of the Hayes and Mooney references reveals considerably less
11 complex structures than recited in claim 11. In particular, Mooney discloses a
12 computer and an IC card reader. The Office Action appears to suggest that the
13 disk drive within the computer is a “memory drive”. The Applicant respectfully
14 suggests that considerable differences exist between the Mooney disk drive and
15 the memory drive recited in claim 11. The memory drive of claim 11 is
16 configured to interface with memory within a “portable profiler” device. Thus, the
17 memory drive is configured for interfacing with a portable device.

18 Similarly, the Mooney and Hayes do not disclose the structure of the
19 “portable profile carrier,” which interfaces to the computer via the memory drive.
20 In particular, neither reference discloses a portable carrier which contains a
21 memory device and an IC card. As seen above, the IC card of Mooney is a
22 simpler structure, without the memory and memory drive interface. In view of the
23 above, the Applicant respectfully requests that the §103(a) rejections to claim 11
24 be withdrawn.

25 Claim 15 recites “storing a user profile in memory of a smart card secured
profile carrier”. Accordingly, after “interfacing the smart card” and “reading the
user profile,” the user’s profile is transferred to the computer system, thereby
allowing the user to function with an accustomed environment. Mooney teaches
access to a controlled system, and Hayes teaches maintaining a consistent client

1 desktop. However, neither teaches interfacing the carrier with a computer to
2 enable access to a user profile contained within memory within the carrier.

3 The Office Action suggests that there is motivation to combine the Mooney
4 and Hayes references. However, the Application suggests that even combined, the
5 references of record do not teach a means of portably moving a user's profile
6 (such as by the recited profile carrier) to a computer for use. In contrast, Mooney
7 does not disclose user profiles. Additionally, Hayes does not suggest any reason
8 for portably moving the profile in a carrier, or for accessing a profile through a
9 carrier. In fact, Hayes teaches away from the recited use of a carrier to bring the
10 user's profile to the computer. Instead, Hayes teaches the use of a password which
11 unlocks the user's profile, which is stored and waiting on the system or network.
12 Hayes does not teach, suggest or disclose the elements of claim 15, wherein the
13 Applicant recites porting the user's profile to the computer by storing it in a
14 carrier, interfacing the carrier and reading the profile. In contrast, in Hayes, the
15 profile is always on the computer or network, and the teaching involves means to
16 verify the privileges of the user. Hayes doesn't even suggest the user porting
his/her own environment to the computer via a carrier, as seen in claim 15. In
view of the above, the Applicant respectfully requests that the §103(a) rejections
to claim 15 be withdrawn.

17 Claim 16 depends from claim 15, and is allowable by virtue of this
18 dependency. As the Office Action points out, page 10 line 4, Mooney does not
19 disclose storage of user profiles. Hayes, as we have seen before, does not disclose
20 porting a user environment to a computer via a carrier. Hayes authenticates users,
21 and profile manager builds the user's desktop. Hayes does not allow a user port
the user's environment via a carrier. Thus, the recited "method for porting a user
22 profile" (claim 15) is not seen in claims 15 and/or 16. Accordingly, the Applicant
23 respectfully requests that the §103(a) rejections to claim 15 be withdrawn.

24 Claims 3, 8 and 17 were rejected under §103(a) as being unpatentable over
25 Mooney et al (U.S. Patent No. 6,351,813), herein after "Mooney" in view of Deo,

(U.S. Patent No. 5,594,227) herein after "Deo". The Applicant respectfully traverses the rejection.

Claim 3 depends from claim 1, and is allowable by virtue of this dependency. Additionally, claim 3 recites the use of a passcode to access user data in the memory device. Accordingly, by use of the correct passcode, the memory device of the profile carrier is accessible. The Office Action points to Deo, wherein use of a password allows access to memory within the smart card. The Applicant stresses that accessing memory within the smart card by password (subject matter of Deo) is not the same as accessing the memory of the memory device contained, in addition to the smart card, within the profile carrier by using a password (see claim 1). That is, the Applicant recites the smart card is used to protect the memory of the profile carrier, which is external to the smart card. In view of the above, the Applicant respectfully requests that the §103(a) rejections be withdrawn.

Claim 8 depends from claim 7, and is allowable by virtue of this dependency. Additionally, claim 8 recites elements similar to claim 3, and is therefore allowable for the same reasons.

Claim 17 recites "storing user data on a portable memory device," "storing access credentials on a smart card" and "interfacing the smart card and the portable memory device with a computer." As seen above, none of the references disclose (1) a portable memory device, which is used in conjunction with (2) a smart card. That is, none of the references disclose both a smart card and a portable memory device to a computer. Accordingly, none of the references "interfacing the smart card and the portable memory device with a computer."

Additionally, none of the references disclose "reading the access credentials from the smart card to enable access to the user data on the portable memory device." Deo, as seen above, teaches the protection of contents on the smart card. Deo does not deal with the protection of memory outside the smart card. Thus, using a smart card to contain the credentials for using a portable memory device

(distinct from the smart card) is not shown by the prior art of record. In view of the above, the Applicant respectfully requests that the §103(a) rejections be withdrawn.

Claims 4 and 9 were rejected under §103(a) as being unpatentable over Mooney et al (U.S. Patent No. 6,351,813), herein after “Mooney” in view of Jones, (U.S. Patent No. 5,623,637) herein after “Jones”. The Applicant respectfully traverses the rejection.

Claims 4 and 9 recite the use of public and private keys, and in particular the use of two keys within the profile carrier, wherein a first key is within the memory device and a second key is within the smart card. As seen above, the art of record does not show the use of a profile carrier, having a memory device and a smart card, wherein the profile carrier is configured for interface with a computer. Accordingly, the prior art does not show the use of one key in each of the elements within the profile carrier. As a result, the prior art does not show the distribution of public and private keys, wherein one key is on each device within the profile carrier. In view of the above, the Applicant respectfully requests that the §103(a) rejections be withdrawn.

Claim 10 was rejected under §103(a) as being unpatentable over Mooney et al (U.S. Patent No. 6,351,813), herein after “Mooney” in view of Deo, (U.S. Patent No. 5,594,227) herein after “Deo”, and in view of Jones, (U.S. Patent No. 5,623,637) herein after “Jones”. The Applicant respectfully traverses the rejection.

Claim 10 recites a further configuration wherein the public and private keys are contained on the memory device and smart card, respectively, of the profile carrier. However, as we have seen above, the prior art of record does not disclose a profile carrier, having a memory device and a smart card, which is adapted for interface to a computer. Accordingly, a distribution of such keys on the devices within the profile carrier is not shown by the prior art.

1 Claim 14 was rejected under §103(a) as being unpatentable over Mooney et
2 al (U.S. Patent No. 6,351,813), herein after “Mooney” in view of Deo, (U.S.
3 Patent No. 5,594,227) herein after “Deo”, in view of Hayes (20010011341), herein
4 after “Hayes” and in view of Jones, (U.S. Patent No. 5,623,637) herein after
“Jones”. The Applicant respectfully traverses the rejection.

5 Claim 14 is allowable for the same reasons as claim 10.

6 Claim 13 is allowable for the same reasons as claim 14.

7 The Applicant further points out that where four (4) references are required,
8 as seen above, that number of references, in and of itself, indicates that it would
9 not have been obvious to select and combine so many references.

10 Claims 5 and 6 were rejected under §103(a) as being unpatentable over
11 Mooney et al (U.S. Patent No. 6,351,813), herein after “Mooney” in view of Deo,
12 (U.S. Patent No. 5,594,227) herein after “Deo”, in view of Hayes (20010011341),
13 herein after “Hayes” and in view of Jones, (U.S. Patent No. 5,623,637) herein after
“Jones”. The Applicant respectfully traverses the rejection.

14 Once again, the Applicant points out that where it takes four references to
15 disclose the elements of the Applicant’s claims, it would seem that that in itself
16 argues for the non-obviousness of the claims. However, Claims 5 and 6 are both
17 disclose a “profile carrier” having “smart card” and having a “memory device,”
18 wherein the profile carrier with its two recited components can be “interfaced to” a
19 common computing unit. None of the references show such an arrangement,
20 wherein the two devices, the smart card and the memory device, are grouped to
21 form a “profile carrier,” and are interfaced to a computer. Moreover, none of the
22 references suggest such an arrangement, wherein a profile carrier acts as a means
23 to “permit access to the user profile stored on the memory device” (claim 5).

24 Claim 18 was rejected under §103(a) as being unpatentable over Mooney et
25 al (U.S. Patent No. 6,351,813), herein after “Mooney” in view of Deo, (U.S.
26 Patent No. 5,594,227) herein after “Deo”, in view of Jones, (U.S. Patent No.

1 5,623,637) herein after "Jones", in view of Sigbjornsen and Kutler. The Applicant
2 respectfully traverses the rejection.

3 The Applicant again notes the quantity of references, which had to be
4 discovered to find the elements of the Applicant's claim, indicates that the claim is
5 actually non-obvious. Further, the Applicant notes—as seen above—that even
6 combined the references do not show both "interfacing the smart card with a
7 computer" and also "interfacing the portable memory device with the computer".
8 This combination of devices, interfaced to the computer, is not seen, particularly
9 for the purposes recited in the method, wherein access to the user data stored in the
10 memory device is obtained after authentication takes place at the smart card. In
11 view of the above, and in view of arguments previously expressed, the Applicant
12 respectfully requests that the §103(a) rejections be withdrawn.

13 Claim 19 was rejected under §103(a) as being unpatentable over Mooney et
14 al (U.S. Patent No. 6,351,813), herein after "Mooney" in view of Deo, (U.S.
15 Patent No. 5,594,227) herein after "Deo", in view of Hayes (20010011341), herein
16 after "Hayes" and in view of Jones, (U.S. Patent No. 5,623,637) herein after
17 "Jones". The Applicant respectfully traverses the rejection.

18 Claim 19 is allowable for the reasons seen above, wherein the references
19 cited do not disclose a "smart card secured profile carrier having memory to store
20 a user profile and a smart card separate from the memory", as recited by claim 19.
21 Accordingly, the software of claim 19, which interfaces with the "secured profile
22 carrier" having smart card and separate memory, is not seen in the prior art of
23 record. Such software cannot exist, where the structure to which it interfaces is
24 not known.

25 **Conclusion**

26 Claims 1—19 are in believed to be in condition for allowance. Applicant
27 respectfully requests reconsideration and prompt issuance of the present
28 application. Should any issue remain that prevents immediate issuance of the
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1 application, the Examiner is encouraged to contact the undersigned attorney to
2 discuss the unresolved issue.

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